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Naren Chaganti

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NAREN CHAGANTI

713 THE HAMPTONS LANE

TOWN & COUNTRY, MO 63017

EXAMINER

LANIER, BENJAMIN E

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/634,725	Applicant(s) CHAGANTI ET AL.	
	Examiner BENJAMIN E. LANIER	Art Unit 2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-12, 15-20 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-28 is/are allowed.
- 6) ☒ Claim(s) 4-12 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:
2. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).
3. The disclosure of the prior-filed application, Application No. 09/478,796 ('796 application), fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The disclosure of the '796 application does not provide adequate support for the claimed allocating a first storage area coupled to the server computer, the storage area being configured to hold one or more information objects for a plurality of users, said one or more information objects including a web page, a link to a web page, a bookmark, a document, an e-book, a piece of music, a piece of audio, a video clip, or a movie. The disclosure of the '796 application is directed towards the storage of personal information (See Table 1), while the presents claims are directed towards the storage of content belonging to individual users.

Response to Amendment

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4. Applicant's amendment filed 09 March 2010 amends claims 4, 7, 12, and 15. Claims 13 and 14 have been cancelled. Claims 24-28 have been added. Applicant's amendment has been fully considered and entered.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 4-7, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Fu, U.S.

Patent No. 6,882,793. Referring to claim 4, Fu discloses a video processing system that includes a server (Figure 1, 70) for storing digital content uploaded by users using a client computer (Col. 11, lines 22-30), which meets the limitation of allocating a first storage area coupled to the server computer, the storage area being configured to hold one or more information objects for a plurality of users, transmitting an information object for storage in the first storage area, storing the information object in the online library. The digital content can include images, audio, and video (Col. 3, lines 58-61), which meets the limitation of said one or more information objects including an image, a piece of music, a piece of audio, a video clip, or a movie. Access to a user's stored content is permitted based upon entry of valid login information (Figure 5G & Col.

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16, lines 44-51), which meets the limitation of permitting access of the information object by a requestor operating a second computer.

Referring to claim 5, Fu discloses that the login information can include content ID and passwords (Figure 4A & 5G & Col. 16, lines 44-51), which meets the limitation of authenticating the requester based on a description of information accessible using an authorization key, the requester's password.

Referring to claim 6, Fu discloses that the user can invite guests to view their content (Col. 16, lines 44-51) while the owning user can edit, delete, add, and change permissions to the content (Figures 4B, 5B-5D & Col. 15, lines 59-63), which meets the limitation of permitting access to the information object by the requestor based on whether the requestor is authorized to view, modify, add to, or delete a particular portion of the information object to which access is provided.

Referring to claim 7, Fu discloses content is upload using FTP (Col. 4, lines 63-65) and http (Figure 5B), which meets the limitation of transmitting the information object to the first storage area by using any one or a combination of the methods of hyper text transfer protocol (HTTP), file transfer protocol (FTP).

Referring to claim 10, Fu discloses uploading content using a web page interface (Figure 5B), which meets the limitation of transmitting the information object upon selecting an area on a web browser, clicking on an area in a web page, or uploading.

8. Claims 4, 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by DiStefano, U.S. Patent No. 7,353,199. Referring to claims 4, 10, DiStefano discloses registered users are permitted to upload web assets to a central server if they are identified as a registered user

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(Figure 1, 4 & Col. 4, line 53 – Col. 5, lines 1), which meets the limitation of allocating a first storage area coupled to the server computer, the storage area being configured to hold one or more information objects for a plurality of users, transmitting an information object for storage in the first storage area, storing the information object in the online library, transmitting the information object upon uploading. The web assets include images, audio, and video (Col. 3, lines 2-4), which meets the limitation of said one or more information objects including an image, a piece of music, a piece of audio, a video clip, or a movie. Registered users are granted access to the system (Col. 6, lines 18-21), which meets the limitation of permitting access of the information object by a requester operating a second computer.

Referring to claim 6, DiStefano discloses that access to the system is based upon access rights (Col. 4, lines 61-64), which meets the limitation of permitting restrictive access to the information object by the requestor based on whether the requestor is authorized to view, modify, edit, add to, or delete a particular portion of the information object to which access is provided.

Referring to claim 7, DiStefano discloses that the system is implemented on a server connected to the Internet using standard techniques such as the TCP/IP protocol (Col. 5, lines 9-12), which meets the limitation of transmitting the information object to the first storage area by using any one or a combination of the methods of hyper text transfer protocol (HTTP), file transfer protocol (FTP).

Referring to claims 8, 9, DiStefano discloses a third party user can upload assets to the collection (Col. 4, line 64 - Col. 5, line 1), which meets the limitation of directed a third party to

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transmit a digital item to the online library, authorizing the third party to access the online library.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiStefano, U.S. Patent No. 7,353,199, in view of Devarajan, U.S. Patent No. 7,167,904. Referring to claim 5, DiStefano does not specify how the users are authenticated into the system. Devarajan discloses a web hosting system wherein users are authenticated using usernames and passwords (Col. 9, lines 53-56), which meets the limitation of authenticating the requestor based on the requestor's password. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the users of DiStefano to be authenticated using usernames and passwords in order to verify that the users are registered members of the system as taught by Devarajan (Col. 9, lines 53-56).

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12. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fu, U.S. Patent No. 6,882,793, in view of DiStefano, U.S. Patent No. 7,353,199. Referring to claims 8-9, Fu does not disclose third party users being able to upload content into the library. DiStefano discloses a third party user can upload assets to the collection (Col. 4, line 64 - Col. 5, line 1), which meets the limitation of directed a third party to transmit a digital item to the online library, authorizing the third party to access the online library. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the system of Fu to allow for third party users to upload content in order to provide a means for registered users to utilize content authored by a third party as taught by DiStefano (Col. 4, lines 64-66).

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fu, U.S. Patent No. 6,882,793, in view of Kim, U.S. Publication No. 2002/0069272. Referring to claim 11, Fu does not disclose automatically increasing the storage amount for the user. Kim discloses allowing the user to increase the storage amount on a web hosting server ([0033]), which meets the limitation of increasing the amount of in the first storage area if an information object requires more storage space than was allocated. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the user of Fu to be able to increase their storage amount in order to provide extra storage area for their content as taught by Kim ([0033]). Kim does not disclose that this increase is performed automatically. However, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. In re Venner, 120 USPQ 192.

14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiStefano, U.S. Patent No. 7,353,199, in view of Kim, U.S. Publication No. 2002/0069272. Referring to claim

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11, DiSefano does not disclose automatically increasing the storage amount for the user. Kim discloses allowing the user to increase the storage amount on a web hosting server ([0033]), which meets the limitation of increasing the amount of in the first storage area if an information object requires more storage space than was allocated. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the user of DiStefano to be able to increase their storage amount in order to provide extra storage area for their content as taught by Kim ([0033]). Kim does not disclose that this increase is performed automatically. However, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. In re Venner, 120 USPQ 192.

15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fu, U.S. Patent No. 6,882,793, in view of Chen, U.S. Patent No. 5,832,208. Referring to claim 12, Fu does not disclose scanning for viruses when content is uploaded. Chen discloses scanning for viruses when content is uploaded (Col. 4, lines 13-19), which meets the limitation of scanning the information object for viruses, and if the information object contained a virus, then discarding the information object or removing the virus from the information object prior to storing the object in the library. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the server of Fu to scan the uploaded content for viruses in order to protect the server from virus infection as taught by Chen (Col. 1, lines 49-56).

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiStefano, U.S. Patent No. 7,353,199, in view of Chen, U.S. Patent No. 5,832,208. Referring to claim 12, DiStefano does not disclose scanning for viruses when content is uploaded. Chen discloses scanning for viruses when content is uploaded (Col. 4, lines 13-19), which meets the limitation

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of scanning the information object for viruses, and if the information object contained a virus, then discarding the information object or removing the virus from the information object prior to storing the object in the library. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the server of DiStefano to scan the uploaded content for viruses in order to protect the server from virus infection as taught by Chen (Col. 1, lines 49-56).

17. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fu, U.S. Patent No. 6,882,793, in view of Lim, U.S. Patent No. 7,155,737. Referring to claims 15-20, Fu discloses a video processing system that includes a server (Figure 1, 70) for storing digital content uploaded by users using a client computer (Col. 11, lines 22-30), which meets the limitation of storing the first party's personal information on a server computer connected to the Internet, said first party's personal information comprising at least one of a plurality of information objects. The digital content can include images, audio, and video (Col. 3, lines 58-61), which meets the limitation of said at least one of a plurality of information objects including an image, a piece of music, a piece of audio, a video clip, or a movie. Access to a user's stored content is permitted based upon entry of valid login information (Figure 5G & Col. 16, lines 44-51), which meets the limitation of associating with each information object at least one of a plurality of security clearance levels, said security clearance level being assignable to each information object at any granularity, thereby enabling access to selected portions of the stored first party's personal information, retrieving from a requester executing on a second computer, a request to access the first party's personal information, said request accompanying an authorization key to access the first party's personal information, selecting a first portion of the first party's personal information authorized to be transmitted to the requester, said selection

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being made in accordance with one or more selection criteria established by the first party. Fu does not disclose a login failure message being transmitted to the requesting user. Lim discloses a login failure message being transmitted to the requesting user (Col. 7, lines 40-60), which meets the limitation of determining the second computer's formatting requirements via a handshaking protocol, formatting a response according to a format acceptable to the second computer, and transmitting the formatted response, configuring the response message in a manner suitable for delivery to the requester's device, selecting a suitable format from a selection of available formats, using stored rules to format a response message, selecting a specified data communication protocol for transmission, translating the response. It would have been obvious to one of ordinary skill in the art at the time the invention was made for a login failure message to be transmitted to the requesting user in order to provide the user with a notification of the failure while providing the user with additional options as taught by Lim (Col. 17, lines 1-4).

18. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiStefano, U.S. Patent No. 7,353,199, in view of Lim, U.S. Patent No. 7,155,737. Referring to claims 15-20, DiStefano discloses registered users are permitted to upload web assets to a central server if they are identified as a registered user (Figure 1, 4 & Col. 4, line 53 – Col. 5, lines 1), which meets the limitation of storing the first party's personal information on a server computer connected to the Internet, said first party's personal information comprising at least one of a plurality of information objects. The web assets include images, audio, and video (Col. 3, lines 2-4), which meets the limitation of said at least one of a plurality of information objects including an image, a piece of music, a piece of audio, a video clip, or a movie. Registered users are

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granted access to the system (Col. 6, lines 18-21), which meets the limitation of associating with each information object at least one of a plurality of security clearance levels, said security clearance level being assignable to each information object at any granularity, thereby enabling access to selected portions of the stored first party's personal information, retrieving from a requester executing on a second computer, a request to access the first party's personal information, said request accompanying an authorization key to access the first party's personal information, selecting a first portion of the first party's personal information authorized to be transmitted to the requester, said selection being made in accordance with one or more selection criteria established by the first party. DiStefano does not disclose a login failure message being transmitted to the requesting user. Lim discloses a login failure message being transmitted to the requesting user (Col. 7, lines 40-60), which meets the limitation of determining the second computer's formatting requirements via a handshaking protocol, formatting a response according to a format acceptable to the second computer, and transmitting the formatted response, configuring the response message in a manner suitable for delivery to the requester's device, selecting a suitable format from a selection of available formats, using stored rules to format a response message, selecting a specified data communication protocol for transmission, translating the response. It would have been obvious to one of ordinary skill in the art at the time the invention was made for a login failure message to be transmitted to the requesting user in order to provide the user with a notification of the failure while providing the user with additional options as taught by Lim (Col. 17, lines 1-4).

Allowable Subject Matter

19. Claims 24-28 are allowed.

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The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose or make obvious the claimed online library service wherein a plurality of users are provided with personal storage space on a server. An address is assigned to each user's online library. When a user attempts to upload a digital item to their library, a check is made to determine if the digital item is copyright-protected. If it is determined that the digital item is copyright-protected, the server receives licensing information for the digital item and stores the licensing information along with the copyright-protected digital item in the library. The license information is examined to determine the number of simultaneous users that can access the copyright-protected digital item. Access to the copyright-protected digital item is provided to no more than the determined number of simultaneous users.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN E. LANIER whose telephone number is (571)272-3805. The examiner can normally be reached on M-Th 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin E Lanier/
Primary Examiner, Art Unit 2432